

The regular monthly meeting of the Ebensburg Borough Council was called to order on Monday, January 28, 2019 at 6:30 p.m. at the Ebensburg Municipal Building, 300 W. High Street, Ebensburg, by Council President Doug Tusing.

Present: Doug Tusing, President  
Susan Barber, Vice President  
Theresa Jacoby  
Dave Kuhar  
Cecilia Houser  
John Cobaugh  
Scot May

Others: Daniel Penatzer, Borough Manager  
Blair Pawlowski, Solicitor  
Randy Datsko, Mayor  
Terry Wyland, Chief of Police  
Danea Koss, Community Development Director  
Dirk Johnson, Recreation Director  
Mark Wirfel, Plant Supervisor  
Andrew Smithmyer, The Mountaineer Herald  
Jocelyn Brumbaugh, The Tribune Democrat

Audience: 26

A. The Pledge of Allegiance was recited.

B. **Public Comments** – None.

C. **Consent Agenda**

Ms. Barber made a motion to approve the consent agenda containing the following items.  
(Houser) Motion passed unanimously.

1. Approve unpaid medical leave for Scott Stoltz from January 26, 2019 through April 30, 2019.
2. Approve the minutes of the December 17, 2018 regular monthly meeting of Borough Council.
3. Approve the Financial Statement and quarterly transfers.
4. Approve payment of bills.

D. **Appointment to Address Council** – None.

E. **Mayor's Report** – None.

F. **Council President**

Mr. Tusing stated that because of the number of attendees interested in Council's decision on the rezoning of the Middle School Field, Council would discuss Item 9D under General Business first.

Mr. Tusing reported that the Ebensburg Borough Planning Commission has recommended that the request of Central Commons to rezone a portion of the former middle school field be denied. A copy of the commission's recommendation is in Council's packet. Mr. Penatzer reported that just today the applicant had withdrawn his application to rezone. Mr. Tusing asked Borough Solicitor Blair Pawlowski how Council should proceed. Mr. Pawlowski informed Council that they could act as they please to proceed with a decision or not. Mr. Tusing stated that because of the time, effort and public

interest invested in the rezoning request, his opinion is that Council should still render a decision, even though the request had been withdrawn. This was the consensus of Council.

Ms. Houser made a motion not to approve rezoning of the middle school field. (Jacoby) Roll call was taken.

Jacoby	Yes	Kuhar	Yes	May	Yes
Cobaugh	No	Houser	Yes	Barber	Yes
Tusing	Yes				

Motion passed.

Mr. Kuhar noted that we need people to invest in Ebensburg and this vote is not against any individual or Dollar General.

#### G. **Water/Wastewater Committee**

##### 1. **Report from Inframark on Wastewater Plant Operations**

Mr. Mark Wirfel, plant supervisor, provided a written report of plant activities which included 43 million gallons of clean water returned to Howells Run, 19 tons of sludge was sent to landfill, and there were no excursions for the month of December.

##### 2. **Stormwater Project**

Mr. Kuhar reported that there are two relatively small stormwater projects to be completed prior to paving in the south section of town. The first is East Ogle Street and it involves the replacement of four existing catch basins in the 700 block, and installation of about 450' of 15" pipe. The existing system is collapsed and obstructed causing stormwater damage to the gravel alley and adjacent storage buildings. An easement has been obtained for the private property that is involved.

The second project is on South Julian Street and it involves the installation of nine new catch basins and one manhole along the 200 block of West Lloyd Street, and then down the 200 and 300 blocks of South Julian Street. About 820' of 15" pipe will be installed, connecting to an existing basin in front of 315 South Julian Street. This will correct street flooding that occurs from stormwater rushing from the area of the municipal parking lot onto Lloyd Street, and the stormwater that flows down Julian Street.

The two projects are combined into a single contract. The project estimate is \$85,000 to be paid from the stormwater reserve. The deadline for questions is February 25<sup>th</sup> with the bid opening on March 4, 2019. The bid will be awarded on March 25, 2019 with a notice to proceed on March 26, 2019. Project completion will be June 30, 2019.

Mr. Kuhar made a motion to approve advertising for bids for stormwater improvements on East Ogle Street and South Julian Street. (Houser) Motion passed unanimously.

##### 3. **Virginia Street**

Mr. Kuhar reported that this is a relatively small wastewater project necessary in order to allow for the later replacement of ten private sewer laterals. The project involves the replacement of approximately 534 feet of 8" main and one manhole.

The project estimate is \$40,000 to be paid from the wastewater reserve. The deadline for project questions is February 25, 2019 with the bid opening on March 4, 2019. The bid will be awarded on March 25, 2019 and the notice to proceed will follow on March 26, 2019. Project completion will be June 30, 2019.

Mr. Kuhar made a motion to approve advertising for bids for sewer main replacement along Virginia Street. (Houser) Motion passed unanimously.

**H. Recreation Committee – None.**

**I. Street Committee**

**1. Peoples Gas Project**

Ms. Houser reported that the replacement of gas mains and service lines south of High Street is scheduled to begin in February. Peoples Gas will have two crews working on the project. The areas on Caroline Street, Marian Street and Triumph Street around the upcoming sidewalk project will be completed first. All other lines south of High Street will be completed in time for street resurfacing in September.

We will waive the requirement for a top wearing course of blacktop in the areas excavated for the gas project. Instead, base material will be used to the existing surface. The areas will then be milled and resurfaced during the larger street paving project later in the year. Peoples Gas will reimburse the borough for the actual bid cost per square yard of the milling and paving.

**2. Sidewalks & Curbs**

Mr. Cobaugh reported that the sidewalk and curb project in areas south of High Street is ready for bidding. It is to be completed prior to street paving in the south section of town.

- 1) South Caroline Street – This project is limited to the 100 and 200 blocks. Sidewalk will be installed on the east side, and new curb will be installed on both sides.
- 2) South Marian Street – This project includes all three blocks. Sidewalk will be installed on both sides of the 100 block, and on the west side of the 200 and 300 blocks. New curb will be installed on both sides.
- 3) West Triumph Street – This project includes all four blocks. Sidewalks will be installed on both sides of the 100 block, and on the south side of the remaining blocks. New curb will be installed on both sides.

This is a single contract for all work. The project estimate is \$375,000 to be paid from the sidewalk reserve and property owner assessments. While a loan will be required for future sidewalk work north of High Street, debt will not be required for this project. The General Fund will be used to bridge finance the project as property owner assessments are received. The deadline for questions is February 25, 2019 with a bid opening of March 4, 2019. A bid will be awarded on March 25, 2019 and a notice to proceed will follow on March 26, 2019. Project completion will be August 1, 2019.

Mr. Cobaugh made a motion to approve advertising for bids for the sidewalk and curb project on South Caroline Street and West Triumph Street. (Houser) Motion passed unanimously.

**3. Street Paving**

Mr. Cobaugh reported that the sewer, gas, stormwater and sidewalk projects will all be completed this summer in areas south of High Street. Specifications for a street resurfacing project have been completed, but will not be advertised for bids until June.

All primary streets (Lloyd, Ogle, Triumph, Lovell, West, Marian, Julian, Caroline and Reddinger) will be milled, and then resurfaced. Chris Street, Cherry Street and the 100 block of Poplar Street will also be milled prior to resurfacing due to the deteriorated pavement condition. Phaney Street was not excavated during any of the work, and remains in good condition. The secondary streets (Spruce, Beech, Ann, Locust, Poplar and Sugar) will have been adequately repaired following excavation, and will not be resurfaced in this contract.

The project estimate is \$489,250. This project will be paid for with \$67,000 in County Aid, \$21,000 from Peoples Gas, \$175,000 from the wastewater project reserve, and \$226,250 from Liquid Fuels. The resurfacing project should be completed in September 2019.

Staff is not certain on the cost estimate for this project. Oil prices, the primary factor in the cost of blacktop, are low now, but the project cost will be based on prices then in effect. Full-width milling of streets is not something that is normally done in boroughs, and has never been done in Ebensburg. That cost will depend on the bidder's level of concern with the number of manholes and catch basins to navigate. Further, it may be determined during the project that an additional leveling course is required in specific areas.

**4. Prave Street/Cherry Street**

Ms. Houser reported that Prave Street was first ordained as a street by Ordinance #496 in 2001. The legal description of the street provided in the Ordinance was incorrect. It described the property of the Cambria County Conservation & Recreation Authority, on which the street is situated, rather than the limited area of the actual street. Ordinance #647 is proposed to correct the legal description of Prave Street.

An extension of South Cherry Street to meet the new Prave Street was ordained at the same time by Ordinance #497. Therefore, that legal description was also incorrect. Ordinance #621 of 2015 again extended Cherry Street, again using that same prior incorrect legal description. Ordinance #648 is proposed to correct the legal description of Cherry Street, specifically in those areas of the easement provided by the Cambria County Conservation & Recreation Authority.

Ms. Houser made a motion to grant tentative approval to Ordinance #647 correcting the legal description of Prave Street, and advertise for public inspection. (Kuhar) Motion passed unanimously.

Ms. Houser made a motion to grant tentative approval to Ordinance #648 correcting the legal description of South Cherry Street, and advertise for public inspection. (Kuhar) Motion passed unanimously.

**J. Administration Committee**

**1. AFSCME Labor Agreement**

Ms. Barber reported that the administrative committee reached a tentative agreement with AFSCME. The current Collective Bargaining Agreement expired at the end of 2018.

Terms of the proposed 4-year agreement include:

- 1) Wage increases of 3%, 2.5%, 2.5%, 2.5% over the four years.
- 2) Wage for Water Operator increased \$1.50/hr.
- 3) Inclusion of language regarding certification requirements, preserving policies informally agreed to in 2016.
- 4) Uniform allowance increased from \$250 to \$500.
- 5) Dental increased from \$350 to \$400.
- 6) Dependent health coverage will be provided to returning employees.

All provisions of the proposed Agreement have been included in the 2019 budget.

Ms. Barber made a motion to approve the AFSCME Collective Bargaining Agreement 2019-2022. (Jacoby) Motion passed unanimously.

2. **2019 Salary Resolution**

Ms. Barber reported that the annual salary Resolution was adopted last month to establish the wages to be paid to borough employees. AFSCME employees were omitted from the Resolution pending approval of a new labor agreement. Resolution 2019-01 is submitted to reflect the wages approved in the new collective bargaining agreement.

Ms. Barber made a motion to adopt Resolution #2019-01 establishing AFSCME wages for 2019. (Kuhar) Motion passed unanimously.

3. **Public Works Position**

Ms. Barber made a motion to approve the creation of a full-time public works position, Laborer II. (Jacoby) Motion passed unanimously.

K. **General Business**

1. **Middle School Field Rezoning**

This item was moved up on the agenda and was discussed at the start of the meeting.

L. **Department Reports**

1. **Police Department** – Chief Wyland reminded residents to follow the winter parking regulations and to check the web, Facebook or call the borough office and dial “5” to find out if winter parking is in effect or not in effect. He added that Crimestoppers has donated three new flashlights and stun guns to the police department. He noted that they are short an officer and may have to hire additional part-time officers.

2. **Public Works Department** – None.

3. **Community Development Department**

Ms. Koss reported that Main Street Member renewals are being processed with around 120 having been received thus far. She added that event planning is underway for the year, PDC

reports have been submitted as well as National Main Street Center accreditation materials. Lastly, she stated that Ebensburg’s historic district nomination will be reviewed in Harrisburg by the state on February 5<sup>th</sup>.

4. **Recreation Department** – Mr. Johnson reported that the Tennis Center held a viewing party of the Australian Open on Sunday at 3 am. He added swim lessons have started at the CCHS pool, and that winter basketball leagues tipped off on January 5<sup>th</sup>. Lastly, he added that there is interested in setting up a youth swimming program and he is working with Hillary Yahner and Rory Coleman to get that started.

M. **Media Comments/Questions** – None.

N. **Public Comments**

Mr. Mike Illig asked if the historic designation will restrict property owners on what they can/cannot do to their homes.

Mr. Wayne Templeton, Caroline Street thanked Council for their favorable vote on the

There being no further business Mr. Kuhar made a motion to adjourn. (Barber) Motion passed unanimously.

Meeting Adjourned: 7:14 PM

Minutes Recorded by: Danae Koss, Community Development Director